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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,464	01/21/2000	William H. Connor	SUN-P4061-JTF	5882

22835 7590 04/21/2004

PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/489,464

Applicant(s)

CONNOR, WILLIAM H.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on February 3, 2004. Claims 1-10, 12-25 and 27-28 are pending. Claims 1, 12 and 16 have been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-10, 12-25 and 27-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-10, 12-13, 16-17 and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Henry et al., U. S. Patent 5,774,058.

As to claims 1, 12 and 16, Henry teaches a method, a computer-readable storage medium storing instructions that when executed by a computer cause the computer to perform a method, and an apparatus for providing concurrency control for a policy-based management system that controls resources in a distributed computing system, comprising (abstract and column 8 line 43 – column 9 line 12; *specifically, concurrent control is interpreted as plurality of access keys with various of functionalities are managed by a lock system*):

- a) receiving a request to perform an operation on a lockable resource from a controller (*panel hardware 30 in Fig. 3 or the microprocessors in Figs. 4-5*) in the distributed computing system, wherein the lockable resource is a device, an appliance, a system, or a storage mechanism an application (column 5 lines 33-44 and Fig. 1);
- b) wherein the controller sends the request in order to enforce a first policy for controlling resources in the distributed computing system (column 7 lines 57-63);
- c) determining whether the controller holds a lock on the lockable (column 20 line 57 – column 21 line 33 and Fig. 10);
- d) allowing the controller to execute the operation on the lockable resource if the controller holds the lock on the lockable resource (column 20 line 57 – column 21 line 33 and Fig. 10);
- e) allowing the controller to acquire the lock if the controller does not hold the lock on the lockable resource (column 5 lines 33-44);
- f) allowing the controller to execute the operation on the lockable resource if the controller acquires the lock (column 5 lines 33-44 and column 24 lines 1-4).

As to claims 2, 13 and 17, Henry teaches the first policy is configured to command resources in the distributed computing system to perform actions so that the distributed computing system operates in accordance with a rule that is enforced by the first policy, wherein the rule governs behavior of resources within the distributed computing system (column 20 line 57 – column 21 line 33 and Fig. 10).

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As to claims 5 and 20, Henry teaches the lockable resource includes a resource within the distributed computing system (column 21 line 34 – column 22 line 11).

As to claims 6 and 21, Henry teaches the lockable resource includes a second policy for controlling resources in the distributed computing system (column 14 line 39-61).

As to claims 7 and 22, Henry teaches the controller includes a client in the distributed computing system (Fig. 3).

As to claims 8 and 23, Henry teaches the controller includes the first policy for controlling resources in the distributed computing system (column 7 lines 57-63 and column 14 line 39-61).

As to claims 9 and 24, Henry teaches the controller includes a higher-level policy for controlling resources in the distributed computing system, and wherein the lockable resource includes a lower-level policy for controlling resources in the distributed computing system (column 7 lines 57-63 and column 14 line 39-61).

As to claims 10 and 25, Henry teaches allowing the controller to acquire the lock includes allowing the controller to acquire the lock from a resource that allocates locks to controllers (column 5 lines 33-44).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al., U. S. Patent 5,774,058 in view of Sudhakaran et al., U. S. Patent 6,161,150.

As to claims 3, 14 and 18, Henry teaches the controller acquires lock on the lockable resource as discussed above. Henry does not specifically teach throwing an exception if the controller does not hold the lock on the lockable resource and if the controller does not acquire the lock. However, the corresponding matter is taught by Sudhakaran as throwing an exception if a predetermined period of time expires before the lock is acquired (column 58 lines 63-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the teaching of Henry to include the feature of throwing an exception if the controller does not have the lock because this would allow the user to be notified when the conflict object is detected as stated by Sudhakaran (abstract); thus this would better detect the conflict object for the concurrency control in Henry's teaching.

7. Claims 4, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al., U. S. Patent 5,774,058 in view of Ho, U. S. Patent 5,615,373.

As to claims 4, 15 and 19, Henry teaches the access key of the lock would be expired after a pre-specified period (column 20 lines 1-26 and Fig. 9). Henry does not specifically teach the lock held on the lockable resource expires after a pre-specified lease period, unless the lease is renewed within the pre-specified lease period.

However, Ho teaches this matter (column 13 lines 25-29 and column 14 lines 13-15). It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to allow the access key of the lock in Henry's teaching to include the feature of allowing the user to have a pre-specified lease period for renewal of the access key of the lock because it would give a reasonable time for the user to decide whether to continue the usage of the lockable resource.

8. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al., U. S. Patent 5,774,058 in view of Mauch, U. S. Patent 4,760,393.

As to claims 27 and 28, Henry teaches providing concurrency control comprising lockable resource as discussed above. Henry does not specifically teach the lockable resource presents one or more independent locks providing access to independent sub-units of the resource. However, Mauch teaches the lockable resource presents one or more independent locks providing access to independent sub-units (*access units in Fig. 1*) of the resource (abstract and column 2 lines 18-31 and Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the lockable resource in Henry's teaching to include one or more independent locks providing access to independent sub-units of the resource because this would allow the user to independently control the partial resource of the shared resource by being able to lock a particular resource as desired without interference with other sources.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mauch (U. S. Patent 4,721,954) discloses securing access of plurality of lockable access points.

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Glick et al. (U. S. Patent 6,064,316) discloses an access control system has at least one door to a secured area, each door having a strike plate, a host computer, and a door control module.

Kucharczyk et al. (U. S. Patent 6,300,873) discloses locking mechanism for use with one-time access code.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

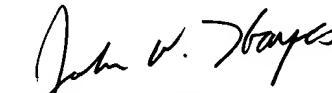
The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
April 18, 2004


JOHN W. HAYES
PRIMARY EXAMINER